

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LUCINDA CHOULES, ON BEHALF OF
ELIZABETH IRVING ARNOLD,

Plaintiff,

v.

JENNIFER CHOULES OGLE, PAMELA
CHOULES,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 9:23-CV-00055-MJT-ZJH

JUDGE MICHAEL J. TRUNCALE

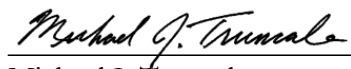
ORDER ADOPTING REPORT AND RECOMMENDATION

On March 20, 2023, Plaintiff Lucinda Choules filed her Complaint and Motion for Leave to Proceed *in forma pauperis*. [Dkts. 1, 2]. On the same day, the Court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge. Pursuant to 28 U.S.C. § 1915, Judge Hawthorn found that Choules met the indigence requirements to proceed *in forma pauperis*. [Dkt. 5]. On August 8, 2023, Judge Hawthorn *sua sponte* recommended dismissing Choules' complaint because she failed to establish this Court has subject-matter jurisdiction to entertain the case. [Dkt. 5]. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C).

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. Proper notice was given to Plaintiff at her last known address. *See* FED. R. CIV. P. 5(b)(2)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is therefore ORDERED that Judge Hawthorn's Report and Recommendation dismissing Plaintiff Lucinda Choules' complaint [Dkt. 5] is ADOPTED. Choules' complaint [Dkt. 1] is therefore DISMISSED WITHOUT PREJUDICE. *See Mitchell v. Bailey*, 982 F.3d 937, 944 (5th Cir. 2020). The Court will issue a Final Judgment separately.

SIGNED this 13th day of September, 2023.

A handwritten signature in black ink, reading "Michael J. Truncale", is written over a horizontal line.

Michael J. Truncale
United States District Judge